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**Attorney for Defendant  
JAMES RICHARDS**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**UNITED STATES OF AMERICA,**

Case No. CR-08-0194 SBA

**Plaintiff.**

v.

## JAMES RICHARDS,

## Defendant.

## **MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW the undersigned retained defense counsel, Attorney Patrick A. Swillinger, and respectfully requests that this Court permit him to withdraw from representation of the defendant James Richards in the above-entitled action. Counsel says further that:

1. The defendant was arrested in Oakland, California on November 9, 2007, and brought before the Alameda Superior Court thereafter. The defendant was indicted on these federal charges on March 26, 2008. Undersigned counsel represented Mr. Richards in Superior Court and continued that representation in federal court.

1           2. The defendant has instructed undersigned counsel to file this motion to withdraw as counsel.

2           3. Circumstances have developed in the course of representation that have caused an  
3 irremediable breakdown in the attorney-client relationship that prevents undersigned counsel from  
4 providing effective assistance of counsel.

5           4. If Mr. Richards is willing to waive attorney-client privilege, undersigned counsel is willing to  
6 provide further information to the Court *in camera* if the Court wishes.

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8           WHEREFORE, undersigned counsel respectfully requests that this Court permit him to  
9 withdraw from representation of defendant in this case.

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1           Respectfully submitted,

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3  
4 Dated: June 4, 2008

5           \_\_\_\_\_/s/ Patrick A. Swillingler

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8           PATRICK A. SWILLINGER

**CERTIFICATE OF SERVICE**

I hereby certify that I have forwarded via ECF filing the foregoing Motion to Withdraw as Counsel of Record to AUSA James C. Mann.

Dated: June 4, 2008

/s/ Patrick A. Swillinger

PATRICK A. SWILLINGER